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GENERAL ASSEMBLY
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Items 40, 62, 71, 81 and 88
of the preliminary list*
COOPERATION BETWEEN THE UNITED NATIONS
AND THE ORGANIZATION FOR SECURITY AND
COOPERATION IN EUROPE
COMPLIANCE WITH ARMS LIMITATION AND
DISARMAMENT OBLIGATIONS
GENERAL AND COMPLETE DISARMAMENT
MAINTENANCE OF INTERNATIONAL SECURITY
COMPREHENSIVE REVIEW OF THE WHOLE
QUESTION OF PEACEKEEPING OPERATIONS
IN ALL THEIR ASPECTS

SECURITY COUNCIL
Fifty-second year

Letter dated 28 May 1997 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a letter from the Minister for Foreign Affairs of the Russian Federation, E. M. Primakov, addressed to you with a request to circulate the Founding Act on Mutual Relations, Cooperation and Security between the North Atlantic Treaty Organization and the Russian Federation, signed in Paris on 27 May 1997 by the President of the Russian Federation, the Secretary-General of the North Atlantic Treaty Organization and the heads of State and Government of the member States of the North Atlantic Treaty Organization.

I should like to request you to have this letter and its annex circulated as a document of the General Assembly, under agenda items 40, 62, 71, 81 and 88 of the preliminary list, and of the Security Council.

(Signed) S. LAVROV

* A/52/50.

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ANNEX

Letter dated 28 May 1997 from the Minister for Foreign Affairs of the Russian Federation addressed to the Secretary-General

I have the honour to transmit to you the text of the Founding Act on Mutual Relations, Cooperation and Security between the North Atlantic Treaty Organization and the Russian Federation, signed in Paris on 27 May 1997 by the President of the Russian Federation, the Secretary-General of the North Atlantic Treaty Organization and the member States of the North Atlantic Treaty Organization.

I should be grateful if you would have this document circulated among all the members of the United Nations.

(Signed) E. PRIMAKOV

APPENDIX

[Original: English, French and Russian]

FOUNDING ACT ON MUTUAL RELATIONS, COOPERATION AND SECURITY BETWEEN THE NORTH ATLANTIC TREATY ORGANIZATION AND THE RUSSIAN FEDERATION

The North Atlantic Treaty Organization and its member States, on the one hand, and the Russian Federation, on the other hand, hereinafter referred to as NATO and Russia, based on an enduring political commitment undertaken at the highest political level, will build together a lasting and inclusive peace in the Euro-Atlantic area on the principles of democracy and cooperative security.

NATO and Russia do not consider each other as adversaries. They share the goal of overcoming the vestiges of earlier confrontation and competition and of strengthening mutual trust and cooperation. The present Act reaffirms the determination of NATO and Russia to give concrete substance to their shared commitment to build a stable, peaceful and undivided Europe, whole and free, to the benefit of all its peoples. Making this commitment at the highest political level marks the beginning of a fundamentally new relationship between NATO and Russia. They intend to develop, on the basis of common interest, reciprocity and transparency, a strong, stable and enduring partnership.

This Act defines the goals and mechanism of consultation, cooperation, joint decision-making and joint action that will constitute the core of the mutual relations between NATO and Russia.

NATO has undertaken a historic transformation -- a process that will continue. In 1991 the Alliance revised its strategic doctrine to take account of the new security environment in Europe. Accordingly, NATO has radically reduced and continues the adaptation of its conventional and nuclear forces. While preserving the capability to meet the commitments undertaken in the Washington Treaty, NATO has expanded and will continue to expand its political functions, and taken on new missions of peacekeeping and crisis management in support of the United Nations (UN) and the Organisation for Security and Cooperation in Europe (OSCE), such as in Bosnia and Herzegovina, to address new security challenges in close association with other countries and international organisations. NATO is in the process of developing the European Security and Defence Identity (ESDI) within the Alliance. It will continue to develop a broad and dynamic pattern of cooperation with OSCE participating States in particular through the Partnership for Peace and is working with Partner countries on the initiative to establish a Euro-Atlantic Partnership Council. NATO member States have decided to examine NATO's Strategic Concept to ensure that it is fully consistent with Europe's new security situation and challenges.

Russia is continuing the building of a democratic society and the realisation of its political and economic transformation. It is developing the concept of its national security and revising its military doctrine to ensure that they are fully consistent with new security realities. Russia has carried out deep reductions in its armed forces, has withdrawn its forces on an unprecedented scale from the countries of Central and Eastern Europe and the Baltic countries and withdrawn all its nuclear weapons back to its own national territory. Russia is committed to further reducing its conventional and nuclear forces. It is actively participating in peacekeeping operations in support of the UN and the OSCE, as well as in crisis management in different areas of the world. Russia is contributing to the multinational forces in Bosnia and Herzegovina.

I. PRINCIPLES

Proceeding from the principle that the security of all states in the Euro-Atlantic community is indivisible, NATO and Russia will work together to contribute to the establishment in Europe of common and comprehensive security based on the allegiance to shared values, commitments and norms of behaviour in the interests of all states.

NATO and Russia will help to strengthen the Organisation for Security and Cooperation in Europe, including developing further its role as a primary instrument in preventive diplomacy, conflict

prevention, crisis management, post-conflict rehabilitation and regional security cooperation, as well as in enhancing its operational capabilities to carry out these tasks. The OSCE, as the only pan-European security organisation, has a key role in European peace and stability. In strengthening the OSCE, NATO and Russia will cooperate to prevent any possibility of returning to a Europe of division and confrontation, or the isolation of any state.

Consistent with the OSCE's work on a Common and Comprehensive Security Model for Europe for the Twenty-First Century, and taking into account the decisions of the Lisbon Summit concerning a Charter on European security, NATO and Russia will seek the widest possible cooperation among participating States of the OSCE with the aim of creating in Europe a common space of security and stability, without dividing lines or spheres of influence limiting the sovereignty of any state.

NATO and Russia start from the premise that the shared objective of strengthening security and stability in the Euro-Atlantic area for the benefit of all countries requires a response to new risks and challenges, such as aggressive nationalism, proliferation of nuclear, biological and chemical weapons, terrorism, persistent abuse of human rights and of the rights of persons belonging to national minorities and unresolved territorial disputes, which pose a threat to common peace, prosperity and stability.

This Act does not affect, and cannot be regarded as affecting, the primary responsibility of the UN Security Council for maintaining international peace and security, or the role of the OSCE as the inclusive and comprehensive organisation for consultation, decision-making and cooperation in its area and as a regional arrangement under Chapter VIII of the United Nations Charter.

In implementing the provisions in this Act, NATO and Russia will observe in good faith their obligations under international law and international instruments, including the obligations of the United Nations Charter and the provisions of the Universal Declaration on Human Rights as well as their commitments under the Helsinki Final Act and subsequent OSCE documents, including the Charter of Paris and the documents adopted at the Lisbon OSCE Summit.

To achieve the aims of this Act, NATO and Russia will base their relations on a shared commitment to the following principles:

- development, on the basis of transparency, of a strong, stable, enduring and equal partnership and of cooperation to strengthen security and stability in the Euro-Atlantic area;

- acknowledgement of the vital role that democracy, political pluralism, the rule of law, and respect for human rights and civil liberties and the development of free market economies play in the development of common prosperity and comprehensive security;

- refraining from the threat or use of force against each other as well as against any other state, its sovereignty, territorial integrity or political independence in any manner inconsistent with the United Nations Charter and with the Declaration of Principles Guiding Relations Between Participating States contained in the Helsinki Final Act;

- respect for sovereignty, independence and territorial integrity of all states and their inherent right to choose the means to ensure their own security, the inviolability of borders and peoples' right of self-determination as enshrined in the Helsinki Final Act and other OSCE documents;

- mutual transparency in creating and implementing defence policy and military doctrines;

- prevention of conflicts and settlement of disputes by peaceful means in accordance with UN and OSCE principles;

- support, on a case-by-case basis, of peacekeeping operations carried out under the authority of the UN Security Council or the responsibility of the OSCE.

II. MECHANISM FOR CONSULTATION AND COOPERATION, THE NATO-RUSSIA PERMANENT JOINT COUNCIL

To carry out the activities and aims provided for by this Act and to develop common approaches to European security and to political problems, NATO and Russia will create the NATO-Russia Permanent Joint Council. The central objective of this Permanent Joint Council will be to build increasing levels of trust, unity of purpose and habits of consultation and cooperation between NATO and Russia, in order to enhance each other's security and that of all nations in the Euro-Atlantic area and diminish the security of none. If disagreements arise, NATO and Russia will endeavour to settle them on the basis of goodwill and mutual respect within the framework of political consultations.

The Permanent Joint Council will provide a mechanism for consultations, coordination and, to the maximum extent possible, where appropriate, for joint decisions and joint action with respect to security issues of common concern. The consultations will not extend to internal matters of either NATO, NATO member States or Russia.

The shared objective of NATO and Russia is to identify and pursue as many opportunities for joint action as possible. As the relationship develops, they expect that additional opportunities for joint action will emerge.

The Permanent Joint Council will be the principal venue of consultation between NATO and Russia in times of crisis or for any other situation affecting peace and stability. Extraordinary meetings of the Council will take place in addition to its regular meetings to allow for prompt consultations in case of emergencies. In this context, NATO and Russia will promptly consult within the Permanent Joint Council in case one of the Council members perceives a threat to its territorial integrity, political independence or security.

The activities of the Permanent Joint Council will be built upon the principles of reciprocity and transparency. In the course of their consultations and cooperation, NATO and Russia will inform each other regarding the respective security-related challenges they face and the measures that each intends to take to address them.

Provisions of this Act do not provide NATO or Russia, in any way, with a right of veto over the actions of the other nor do they infringe upon or restrict the rights of NATO or Russia to independent decision-making and action. They cannot be used as a means to disadvantage the interests of other states.

The Permanent Joint Council will meet at various levels and in different forms, according to the subject matter and the wishes of NATO and Russia. The Permanent Joint Council will meet at the level of Foreign Ministers and at the level of Defence Ministers twice annually, and also monthly at the level of ambassadors/permanent representatives to the North Atlantic Council.

The Permanent Joint Council may also meet, as appropriate, at the level of Heads of State and Government.

The Permanent Joint Council may establish committees or working groups for individual subjects or areas of cooperation on an ad hoc or permanent basis, as appropriate.

Under the auspices of the Permanent Joint Council, military representatives and Chiefs of Staff will also meet; meetings of Chiefs of Staff will take place no less than twice a year, and also monthly at military representatives level. Meetings of military experts may be convened, as appropriate.

The Permanent Joint Council will be chaired jointly by the Secretary General of NATO, a representative of one of the NATO member States on a rotation basis, and a representative of Russia.

To support the work of the Permanent Joint Council, NATO and Russia will establish the necessary administrative structures.

Russia will establish a Mission to NATO headed by a representative at the rank of Ambassador. A senior military representative and his staff will be part of this Mission for the purposes of the military cooperation. NATO retains the possibility of establishing an appropriate presence in Moscow, the modalities of which remain to be determined.

The agenda for regular sessions will be established jointly. Organisational arrangements and rules of procedure for the Permanent Joint Council will be worked out. These arrangements will be in place for the inaugural meeting of the Permanent Joint Council which will be held no later than four months after the signature of this Act.

The Permanent Joint Council will engage in three distinct activities:

- consulting on the topics in Section III of this Act and on any other political or security issue determined by mutual consent;

- on the basis of these consultations, developing joint initiatives on which NATO and Russia would agree to speak or act in parallel;

- once consensus has been reached in the course of consultation, making joint decisions and taking joint action on a case-by-case basis, including participation, on an equitable basis, in the planning and preparation of joint operations, including peacekeeping operations under the authority of the UN Security Council or the responsibility of the OSCE.

Any actions undertaken by NATO or Russia, together or separately, must be consistent with the United Nations Charter and the OSCE's governing principles.

Recognizing the importance of deepening contacts between the legislative bodies of the participating States to this Act, NATO and Russia will also encourage expanded dialogue and cooperation between the North Atlantic Assembly and the Federal Assembly of the Russian Federation.

III. AREAS FOR CONSULTATION AND COOPERATION

In building their relationship, NATO and Russia will focus on specific areas of mutual interest. They will consult and strive to cooperate to the broadest possible degree in the following areas:

- issues of common interest related to security and stability in the Euro-Atlantic area or to concrete crises, including the contribution of NATO and Russia to security and stability in this area;

- conflict prevention, including preventive diplomacy, crisis management and conflict resolution taking into account the role and responsibility of the UN and the OSCE and the work of these organisations in these fields;

- joint operations, including peacekeeping operations, on a case-by-case basis, under the authority of the UN Security Council or the responsibility of the OSCE, and if Combined Joint Task Forces (CJTF) are used in such cases, participation in them at an early stage;

- participation of Russia in the Euro-Atlantic Partnership Council and the Partnership for Peace;

- exchange of information and consultation on strategy, defence policy, the military doctrines of NATO and Russia, and budgets and infrastructure development programmes;

- arms control issues;

- nuclear safety issues, across their full spectrum;

- preventing the proliferation of nuclear, biological and chemical weapons, and their delivery means, combatting nuclear trafficking and strengthening cooperation in specific arms control areas, including political and defence aspects of proliferation;

- possible cooperation in Theatre Missile Defence;

- enhanced regional air traffic safety, increased air traffic capacity and reciprocal exchanges, as appropriate, to promote confidence through increased measures of transparency and exchanges of information in relation to air defence and related aspects of airspace management/control. This will include exploring possible cooperation on appropriate air defence related matters;

- increasing transparency, predictability and mutual confidence regarding the size and roles of the conventional forces of member States of NATO and Russia;

- reciprocal exchanges, as appropriate, on nuclear weapons issues, including doctrines and strategy of NATO and Russia;

- coordinating a programme of expanded cooperation between respective military establishments, as further detailed below;

- pursuing possible armaments-related cooperation through association of Russia with NATO's Conference of National Armaments Directors;

- conversion of defence industries;

- developing mutually agreed cooperative projects in defence-related economic, environmental and scientific fields;

- conducting joint initiatives and exercises in civil emergency preparedness and disaster relief;

- combatting terrorism and drug trafficking;

- improving public understanding of evolving relations between NATO and Russia, including the establishment of a NATO documentation centre or information office in Moscow.

Other areas can be added by mutual agreement.

IV. POLITICAL-MILITARY MATTERS

NATO and Russia affirm their shared desire to achieve greater stability and security in the Euro-Atlantic area.

The member States of NATO reiterate that they have no intention, no plan and no reason to deploy nuclear weapons on the territory of new members, nor any need to change any aspect of NATO's nuclear posture or nuclear policy - and do not foresee any future need to do so. This subsumes the fact that NATO has decided that it has no intention, no plan, and no reason to establish nuclear weapon storage sites on the territory of those members, whether through the construction of new nuclear storage facilities or the adaptation of old nuclear storage facilities. Nuclear storage sites are understood to be facilities specifically designed for the stationing of nuclear weapons, and include all types of hardened above or below ground facilities (storage bunkers or vaults) designed for storing nuclear weapons.

Recognising the importance of the adaptation of the Treaty on Conventional Armed Forces in Europe (CFE) for the broader context of security in the OSCE area and the work on a Common and Comprehensive Security Model for Europe for the Twenty-First Century, the member States of NATO and Russia will work together in Vienna with the other States Parties to adapt the CFE Treaty to enhance its viability and effectiveness, taking into account Europe's changing security environment and the legitimate security interests of all OSCE participating States. They share the objective of concluding an adaptation agreement as expeditiously as possible and, as a first step in this process, they will, together with other States Parties to the CFE Treaty, seek to conclude as soon as possible a framework agreement setting forth the basic elements of an adapted CFE Treaty, consistent with the objectives and principles of the Document on Scope and Parameters agreed at Lisbon in December 1996.

NATO and Russia believe that an important goal of CFE Treaty adaptation should be a significant lowering in the total amount of Treaty-Limited Equipment permitted in the Treaty's area of application compatible with the legitimate defence requirements of each State Party. NATO and Russia encourage all States Parties to the CFE Treaty to consider reductions in their CFE equipment entitlements, as part of an overall effort to achieve lower equipment levels that are consistent with the transformation of Europe's security environment.

The member States of NATO and Russia commit themselves to exercise restraint during the period of negotiations, as foreseen in the Document on Scope and Parameters, in relation to the current postures and capabilities of their conventional armed forces - in particular with respect to their levels of forces and deployments - in the Treaty's area of application, in order to avoid developments in the security situation in Europe diminishing the security of any State Party. This commitment is without prejudice to possible voluntary decisions by the individual States Parties to reduce their force levels or deployments, or to their legitimate security interests.

The member States of NATO and Russia proceed on the basis that adaptation of the CFE Treaty should help to ensure equal security for all States Parties irrespective of their membership of a politico-military alliance, both to preserve and strengthen stability and continue to prevent any destabilizing increase of forces in various regions of Europe and in Europe as a whole. An adapted CFE Treaty should also further enhance military transparency by extended information exchange and verification, and permit the possible accession by new States Parties.

The member States of NATO and Russia propose to other CFE States Parties to carry out such adaptation of the CFE Treaty so as to enable States Parties to reach, through a transparent and cooperative process, conclusions regarding reductions they might be prepared to take and resulting national Treaty-Limited Equipment ceilings. These will then be codified as binding limits in the adapted

Treaty to be agreed by consensus of all States Parties, and reviewed in 2001 and at five-year intervals thereafter. In doing so, the States Parties will take into account all the levels of Treaty-Limited Equipment established for the Atlantic-to-the-Urals area by the original CFE Treaty, the substantial reductions that have been carried out since then, the changes to the situation in Europe and the need to ensure that the security of no state is diminished.

The member States of NATO and Russia reaffirm that States Parties to the CFE Treaty should maintain only such military capabilities, individually or in conjunction with others, as are commensurate with individual or collective legitimate security needs, taking into account their international obligations, including the CFE Treaty.

Each State-Party will base its agreement to the provisions of the adapted Treaty on all national ceilings of the States Parties, on its projections of the current and future security situation in Europe.

In addition, in the negotiations on the adaptation of the CFE Treaty, the member States of NATO and Russia will, together with other States Parties, seek to strengthen stability by further developing measures to prevent any potentially threatening build-up of conventional forces in agreed regions of Europe, to include Central and Eastern Europe.

NATO and Russia have clarified their intentions with regard to their conventional force postures in Europe's new security environment and are prepared to consult on the evolution of these postures in the framework of the Permanent Joint Council.

NATO reiterates that in the current and foreseeable security environment, the Alliance will carry out its collective defence and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces. Accordingly, it will have to rely on adequate infrastructure commensurate with the above tasks. In this context, reinforcement may take place, when necessary, in the event of defence against a threat of aggression and missions in support of peace consistent with the United Nations Charter and the OSCE governing principles, as well as for exercises consistent with the adapted CFE Treaty, the provisions of the Vienna Document 1994 and mutually agreed transparency measures. Russia will exercise similar restraint in its conventional force deployments in Europe.

The member States of NATO and Russia will strive for greater transparency, predictability and mutual confidence with regard to their armed forces. They will comply fully with their obligations under the Vienna Document 1994 and develop cooperation with the other OSCE participating States, including negotiations in the appropriate format, inter alia within the OSCE to promote confidence and security.

The member States of NATO and Russia will use and improve existing arms control regimes and confidence-building measures to create security relations based on peaceful cooperation.

NATO and Russia, in order to develop cooperation between their military establishments, will expand political-military consultations and cooperation through the Permanent Joint Council with an enhanced dialogue between the senior military authorities of NATO and its member States and of Russia. They will implement a programme of significantly expanded military activities and practical cooperation between NATO and Russia at all levels. Consistent with the tenets of the Permanent Joint Council, this enhanced military-to-military dialogue will be built upon the principle that neither party views the other as a threat nor seeks to disadvantage the other's security. This enhanced military-to-military dialogue will include regularly-scheduled reciprocal briefings on NATO and Russian military doctrine, strategy and resultant force posture and will include the broad possibilities for joint exercises and training.

To support this enhanced dialogue and the military components of the Permanent Joint Council, NATO and Russia will establish military liaison missions at various levels on the basis of reciprocity and further mutual arrangements.

To enhance their partnership and ensure this partnership is grounded to the greatest extent possible in practical activities and direct cooperation, NATO's and Russia's respective military authorities will explore the further development of a concept for joint NATO-Russia peacekeeping operations. This initiative should build upon the positive experience of working together in Bosnia and Herzegovina, and the lessons learned there will be used in the establishment of Combined Joint Task Forces.

* * *

The present Act takes effect upon the date of its signature.

NATO and Russia will take the proper steps to ensure its implementation in accordance with their procedures.

The present Act is established in two originals in the French, English and Russian language.

The Secretary General of NATO and the Government of the Russian Federation will provide the Secretary General of the United Nations and the Secretary General of the OSCE with the text of this Act with the request to circulate it to all members of their Organisations.